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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/029,581	03/06/1998	DEREK ROBERT JAMES	A25102/US	6257
23117	7590	04/29/2004	EXAMINER	
NIXON & VANDERHYE, PC 1100 N GLEBE ROAD 8TH FLOOR ARLINGTON, VA 22201-4714			AL HASHEMI, SANA A	
			ART UNIT	PAPER NUMBER
			2171	80
DATE MAILED: 04/29/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/029,581	JAMES, DEREK ROBERT	
	Examiner Sana Al-Hashemi	Art Unit 2171	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 August 2003.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

Claim Status: 1-9 rejected.

Applicant's arguments with respect to claims 1-9 have been considered and found persuasive in-part. Hence, the finality of the final action mailed 10/22/03 (paper # 26) is hereby withdrawn. However, upon conducting an update search, US Patent # 5,649,185 to Antognini et al. was discovered. Applicant's arguments with respect to Micka's silence as to comparing the index keyword to the actual record was found persuasive. Although Micka may in fact do so, the references is silent. Nonetheless, the newly discovered patent to Antognini teaches that it is desirable to update an index keyword to that of the corresponding record and thereby ensure up-to-date information.

The following new grounds of rejection are made here-in-below.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 1, 6, and 9, are rejected under 35 U.S.C. 101 because none of the independent claims are statutory. These claims are drawn to abstract ideas rather than concrete embodiments, such as a computer implanted system.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Micka et al. (US Patent No. 5,592,618) in view of Antognini et al (US Patent No. 5,649,185).

1. Regarding Claims 1, and 9, Micka discloses

a method for checking the consistency of an item of data (see column 4, lines 59-61, Micka);  
in a cache database with a respective item of data in a master database (see Fig 5. step 800, Micka);

Micka discloses all of the claimed limitations except, he does not disclose the step of comparing a first key stored in association with the item of data, in the cache database with a second key stored in association with an index entry for the respective item of data in the master database. Specifically, referring to Fig. 4 of Micka, the reference discloses a mirroring process whereby an index is mirrored. However, if the index is not up-to-date, the Micka system will not be up to date. However, Antognini teaches the method of comparing a first key stored in association with the item of data (see column 20, lines 42-48, Antognini). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the method of comparing the indexed keyword to a record stored in a different database as taught by Antognini, with the motivation of expediting

validating the consistency of data stored in multi remote database and master database to ensure all updated records and latest versions from all secondary database are in synch with primary database.

2. Regarding Claim 2, the combination of Micka in view of Antognini discloses a method for retrieving an item of data from one of a cache or a master database (see Fig. 9, steps 1200, and 1215, Micka);

the master database comprising a plurality of items of master data and an index containing entries corresponding to one or more of the items of master data (see Fig. 5 step 800, Micka).

The cache database containing a cached copy of at least one item of the master data (see Fig. 4, Step 711, Micka); the method comprising the steps of:

reading a first key stored in association with a cached copy of a required item of data from the cache database (see Fig 7, step 1060, Micka);

reading a second key stored in association with an index entry for a respective item of master data from the master database (see column 13, lines 2-8, Micka);

comparing the first key with the second key (see Fig. 4, steps 710 and 711, Micka);

and retrieving in the event the first and second keys are the same the cached copy of the item of data or in the event the first and second keys are different the respective item of master data (see column 13, lines 28-36, Micka).

3. Regarding Claims 3, and 7, the combination of Micka in view of Antognini discloses a method wherein the first and second keys are time-stamps (see Fig. 1, step 407, column 11, lines 6-11, Micka).

4. Regarding Claims 4, and 8, the combination of Micka in view of Antognini discloses a Use of a method in a client/ server system (see column 6, lines 51-60, Micka).

5. Regarding Claim 5, the combination of Micka in view of Antognini discloses a database fileserver apparatus comprising:

input means for receiving a conditional read request for an item of data stored in the database, the request including a first key for a previously-retrieved copy of the item of data (see column 9, lines 63-67, Micka);

means for accessing an index of the database and reading an index entry for the requested item of data, the index entry including a second key for the stored item of information;

means for comparing the first and second keys (see column 10, lines 10-17, Micka); and

means if the keys are the same for returning an indication that the previously retrieved copy of the item of data is consistent or if the keys are different for reading from the database and returning a copy of the item of data (see column 10, lines 35-47, Micka).

6. Regarding Claim 6, the combination of Micka in view of Antognini discloses a database index, wherein at least one index entry in the index includes at least:

identity information for identifying an item of information in the database (see column 10, lines 49-55, Micka);

location information for indicating the location in the database of the item of information (see column 10, lines 55-62, Micka); and

version information which changes each time the respective information in the database changes (see column 11, lines 6-11, Micka).

***Points of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to: Sana Al-Hashemi whose telephone number is (703) 305-4881. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436. Any response to this office action should be mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax at phone number (703) 872-9306. For formal or draft communications, please label "PROPOSED" or "DRAFT". Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6<sup>th</sup> Floor Receptionist, Arlington, Virginia. 22202.

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Sana Al-Hashemi  
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April 26, 2004



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